

ORDINANCE NO. 2000 - 030

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **FUTURE LAND USE ELEMENT** (TO REVISE THE IMPLEMENTATION SECTION REGARDING THE COMMISSION ON AFFORDABLE HOUSING; REVISE TEXT RELATED TO UNDERLYING/ALTERNATIVE LAND USES; AND TO CORRECT ERRORS AND CLARIFY INTENT); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on March 10, 17, 24, and April 14, 2000 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on May 8, 2000 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on July 25, 2000 the Department of Community Affairs "Objections, Recommendations, and

Comments Report," dated July 21, 2000 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on September 18, 2000 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

The following amendments to the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

A. Future Land Use Element, to revise the Implementation Section regarding the Commission on Affordable Housing; and

B. Future Land Use Element, to revise text related to underlying/alternative land uses;

C. Future Land Use Element; to correct errors and clarify intent; and

D. Amending all elements as necessary for internal consistency.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect

1 the remainder of this Ordinance.

2 **Part IV. Inclusion in the 1989 Comprehensive Plan**

3 The provision of this Ordinance shall become and be made a part
4 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
5 Ordinance may be renumbered or relettered to accomplish such, and the
6 word "ordinance" may be changed to "section," "article," or any other
7 appropriate word.

8 **Part V. Effective Date**

9 The effective date of this plan amendment shall be the date a
10 final order is issued by the Department of Community Affairs or
11 Administration Commission finding the amendment in compliance in
12 accordance with Section 163.3184, Florida Statutes, whichever occurs
13 earlier. No development orders, development permits, or land uses
14 dependent on this amendment may be issued or commence before it has
15 become effective. If a final order of noncompliance is issued by the
16 Administration Commission, this amendment may nevertheless be made
17 effective by adoption of a resolution affirming its effective status,
18 a copy of which resolutions shall be sent to the Department of
19 Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard
20 Tallahassee, Florida 32399-2100.

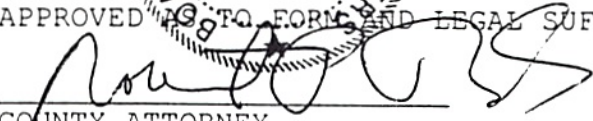
21 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm
22 Beach County, on the 18 day of September, 2000.

23 ATTEST:
24 DOROTHY H. KENNER, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

25 By 
26 Deputy Clerk

By 
Chair

27 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
28 
29 COUNTY ATTORNEY

30 Filed with the Department of State on the 25th day
31 of September, 2000.

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EXHIBIT 1

A. Future Land Use Element, Implementation Section Revisions

REVISIONS: To revise Implementation text related to affordable housing. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

1. REVISION, Implementation, Institutional and Public Facilities, Permitted Uses

unaltered text omitted for brevity

The Institutional and Public Facilities category may provide for accessory affordable housing when residential development is under the direct and constant supervision of a sponsoring, non-profit organization or community-based group. Such housing shall only be below market rentals, and not for-sale property. This housing shall also be used to fulfill specific housing needs within the community. Such a development shall only be requested by a non-profit organization or community-based group, and may receive a recommendation by the Commission on Affordable Housing ~~for approval by the Board of County Commissioners~~. Residential uses, other than those indicated above, are not permitted in areas designated on the Future Land Use Atlas under the Institutional and Public Facilities future land use designation.

2. *Omitted at the BCC Transmittal Hearing*

B. Future Land Use Element, Underlying/Alternative Use Revisions

REVISIONS: To revise language related to underlying/alternative land uses. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

Objective 2.2, Future Land Use Provisions, General

2.2.1 Residential

1. **DELETION** ~~Policy 2.2.1-c: Land with a Traditional Town Development, Commercial, Institutional or Public Facility future land use category may be assigned an underlying alternative residential future land use designation. This underlying designation shall be used to determine the intensity of any congregate living facility or other Institutional use of a residential nature.~~

2.2.2 Commercial

2. **REVISION** Policy 2.2.2-d: The Future Land Use Atlas may reflect depict residential or industrial underlying/alternative land uses for land properties designated Commercial; ~~consistent with Future Land Use Policy 2.2.1-c, at the time of Plan adoption.~~ The County shall may initiate a land use amendment to remove the non-utilized future land use designation after the property is developed.

Implementation, Commercial Uses

3. **DELETION** ~~Uses Not Permitted. Group homes and foster care facilities that are single family in character are not permitted in areas designated Commercial. The Residential land use designation provides adequate sites for both single and multi-family group homes and foster care facilities.~~

4. **REVISION Alternative Uses.** The County's Future Land Use Plan Atlas identifies alternative residential densities or industrial land uses for areas designated as eligible for commercial zoning. The alternative use will permit development if the commercial need cannot be demonstrated or if the commercial development is incompatible with the area.

2.2.3 Commercial Recreation

5. **REVISION Policy 2.2.3-b:** ~~Alternative uses may be depicted on the Future Land Use Atlas may depict residential or industrial underlying/alternative land uses for some of the sites properties designated as Commercial Recreation to allow alternative uses, either Residential or Industrial land use, should these areas wish to convert. The County may initiate a land use amendment to remove the non-utilized future land use designation after the property is developed.~~

2.2.4 Industrial

6. **REVISION Policy 2.2.4-b:** A Planned Industrial Park is an economic activity center primarily designed to accommodate and promote manufacturing industry and other value-added activities. Uses such as hotels and offices that support the manufacturing and other value-added activities shall be permitted. Residential uses may be permitted within the Planned Industrial Park Development District (PIPD) only provided: 1) the amount and type of jobs (work force) created by the industrial use is rationally related to the amount and type of residential uses; 2) the amount of residential uses would lessen land use imbalances within a sector; 3) internal trip capture concurrent with the build out of the PIPD is demonstrated; 4) recreation to meet the needs of the residential population is provided; and 5) a balanced mix of land uses is provided to meet the needs of the residential population and projected work force. *(the revision is breaking this policy into two policies)*

NEW Policy 2.2.4-c: Industrially designated parcels may be assigned an underlying residential density for the development of a PIPD without a land use amendment. The Planning Director shall assign the underlying density ~~Underlying residential densities in the PIPD shall be based upon a land suitability analysis, (including but not limited to, the amount of land needed to accommodate the projected population, adjacent land uses, the need for redevelopment, and natural resource protection).~~ Underlying residential densities in the PIPD shall be based upon the densities of adjacent residential properties.

2.2.5 Agricultural

7. **ADDITION Policy 2.2.5-c:** The Future Land Use Atlas may depict underlying/alternative residential land uses for properties designated Special Agriculture (SA). The County may initiate a land use amendment to remove the non-utilized future land use designation after the property is developed.

Implementation Section, Agriculture, Uses

8. **REVISION Special Agriculture Uses.** The following land uses and intensities are allowed in areas designated Special Agriculture where permitted by the terms of the Unified Land Development Code:

1.-6. *unaltered text omitted for brevity*

In order to protect existing residential uses, intense agricultural or other similar uses in the Special Agricultural (SA) future land use designation shall be limited or restricted. Some agricultural uses and intensities will not be permitted as a right within residential areas. While many agricultural uses may be permitted within residential areas, special care shall be taken to protect the existing neighborhoods. Alternative residential designations uses are depicted on the County Future Land Use Plan Atlas Maps for some sites to allow these areas to convert to other uses.

2.2.8 Institutional and Public Facilities

9. **REVISION Policy 2.2.8-a:** The Future Land Use Atlas may ~~reflect~~ depict underlying/alternative residential future land uses for land properties designated as Institutional and Public Facilities ~~consistent with the provisions of Future Land Use Policy 2.2.1-G. If an underlying/alternative designation is not depicted on the Atlas, the Planning Director may assign an underlying density based on the densities of adjacent residential parcels without a land use amendment.~~ The County may initiate a future land use amendment to remove the non-utilized future land use designation after the property is developed.

10. REVISION Implementation, Institutional and Public Facilities

Designation of underlying uses and density/intensity. Parcels designated as Institutional prior to the adoption of the 1989 Comprehensive Plan which request a residential use, shall have an underlying use assigned on the basis of land use compatibility with adjacent properties. The Planning Director may assign an underlying density based on the densities of the adjacent residential land uses without a land use amendment. ~~Parcels designated as Institutional after the adoption of the 1989 Comprehensive Plan which request a residential use, shall not exceed the density or intensity of the previous land use designation of the parcel. The provisions for calculating the maximum allowable underlying density/intensity for Institutional parcels shall be based on the gross acreage of the entire Institutional parcel, and shall be assigned based on the previous land use designation or as deemed compatible with adjacent uses in order to further the Goals, Objectives and Policies of the Comprehensive Plan.~~

2.2.9 Transportation and Utilities

11. **REVISION Policy 2.2.9-b:** The Transportation and Utilities future land use designation may be applied as a designation or as an underlying designation to property owned or operated by the Department of Airports. Related facilities, designated either to serve the needs of airport users and airport employees or to provide enterprise activities to support the operation of the County's airports, may be permitted within areas designated Transportation and Utilities.
12. **REVISION SUB-OBJECTIVE 2.2.11 Multiple Land Use**
13. **ADDITION Policy 2.2.11-e:** The Future Land Use Atlas shall depict underlying/alternative residential future land uses for properties designated as Multiple Land Use. The County may initiate a future land use amendment to remove the non-utilized future land use designation after the property is developed.

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C. Future Land Use Element, Corrections and Clarifications

REVISIONS: To revise to correct errors and clarify intent. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

1. **REVISION Introduction, B. Assessment and Conclusions**, first paragraph and paragraph before 'Balanced Growth and Land Planning'

~~Since adoption of the 1989 Comprehensive Plan, Palm Beach County's annual growth rate of 2.3% has exceeded the State's average. The County continues to receive approximately 20,000 new residents each year. At the current rate of growth, based on past trends and future projections, the County is expected to accommodate in excess of 1,373,800 residents by the 2015 long term planning horizon. The eastern third of the County, east of the Conservation Areas and Twenty Mile Bend, is expected to accommodate 96% of the population, with a 37% increase in population west of the Florida Turnpike, a 46% increase between the Turnpike and Interstate I-95, and a 15% increase east of Interstate I~~

unaltered text omitted for brevity

The following goals of the Element work in conjunction with the ~~development~~ Tiers to guide the location and form of development as well as the type of service and facilities to be provided.

2. **REVISION Objective 1.1, Tier Designation and Tier Re-designation**

Palm Beach County recognizes five (5) geographic regions (Tiers), each of which exhibits distinctive physical development patterns with different needs for services to ensure a diversity of lifestyle choices. The five (5) Tiers are:

1. **Urban/Suburban Tier:** The Urban/Suburban Tier shall include all land within the Urban Service Area ~~boundaries~~, as depicted on the Future Land Use Atlas adopted as part of the 1989 Comprehensive Plan. These areas have a development pattern generally characterized as urban or suburban, considering the intensity and/or density of development. The Urban/Suburban Tier shall be afforded urban levels of service.

2.-5. *unaltered text omitted for brevity*

Objective 1.2, Urban Suburban Tier, Residential

3. **REVISION Policy 1.2-c:** The County shall establish and maintain maximum densities, as specified in Table 2.1-1, in the residential future land use categories. To obtain the maximum density for a property of Low Residential 2 or greater, the development must receive a development order for a Planned Development District or be granted an exemption pursuant to provisions of this element.
4. **REVISION Policy 1.2-e:** To facilitate development of affordable housing, the County shall not require an amendment to the Future Land Use Atlas to increase the density higher than the future land use category, provided the development:
 1. Is consistent with Voluntary Density Bonus Program (VDB) ~~described, and the studies required by policies in the Housing Element Objective 1.4;~~
 - 2.-3. *unaltered text omitted for brevity*

Objective 1.2, Urban Suburban Tier, Commercial

5. **REVISION Policy 1.2-I:** The Unified Land Development Code shall be amended to require that new development or redevelopment of ~~commercial sites~~ non-residential uses within the Urban/Suburban Tier strengthen the relationship among buildings and their relationship to the street, where appropriate. This shall be accomplished to increase transit accessibility, pedestrian orientation, and promote creation of community spaces through consideration of the elements listed below. *unaltered text omitted for brevity*

6. **REVISION Policy 1.2-k:** The County shall prohibit new; isolated; mid-block commercial development future land use designations along all arterials and collectors, unless such development is designed within a Traditional Neighborhood Development, or is planned as a Traditional Marketplace Development or Mixed-Use Development.

1.2.1 Planned Developments, General

7. **REVISION Policy 1.2.1-b:** Planned Developments shall require approval of a ~~Master Plan preliminary development plan. The Master Plan~~ which shall:
1. Depict the location and distribution of future land uses and public facilities and demonstrate compliance with the Comprehensive Plan;
 2. Depict the average density and/or intensity of the overall development; and,
 3. Allow flexibility in the allocation of density and intensity within the overall development.

Planned Residential Development (PRD)

8. **REVISION Policy 1.2.1-g:** The County shall allow ~~residential developments~~ Planned Residential Developments to include a limited amount of low intensity commercial and institutional uses intended to serve the residential development ~~as a Planned Residential Development~~. The commercial uses may be located in: *unaltered text omitted for brevity*

Traditional Neighborhood Development (TND)

9. **REVISION Policy 1.2.1-f:** The Planning, Zoning and Building Department shall update the Unified Land Development Code and graphically depict the tenets and land development regulations to:
- 1.-3. *unaltered text omitted for brevity*
 4. A neighborhood center shall be provided at an identifiable central location and shall:
 - a.-c. *unaltered text omitted for brevity.*
 - d. Be designed in accordance with the principles of a Traditional Marketplace ~~as described in Future Land Use Policy 1.2.1-d;~~
 - e. *unaltered text omitted for brevity.*

Sub-Objective 1.2.3 Revitalization and Redevelopment Overlay

10. **REVISION Policy 1.2.3-a:** The Planning Division, through the Countywide Community Revitalization Team (CCRT) shall continue to coordinate delivery of appropriate resources to stabilize and revitalize neighborhoods by:
1. Providing infrastructure improvements;
 2. Concentrating code enforcement efforts;
 3. Providing residents the opportunity to support and to participate in and maintain revitalization efforts;
 4. Providing recreational facilities;
 5. Facilitating the provision of tailored health and human services; and,
 6. Allocating resources to provide infrastructure improvements.

Objective 1.3 Exurban Tier

11. **REVISED Policy 1.3-f:** Uses such as convenience stores, service stations and car washes shall only be located at intersections containing ~~at least one collector and an one arterial roadway, or two arterial roadways,~~ as listed in the Florida Department of Transportation Palm Beach County Federal Functional Classification Table. Developments which permit the use or sale of petroleum products shall provide evidence during development review that drinking water sources will be protected.
12. **REVISION Policy 1.3-h:** ~~Commercial~~ Non-residential development shall be designed in the form of a Traditional Marketplace, or the development shall comply with rural design standards to ensure protection of the character of the Tier and to minimize impacts on surrounding uses. Rural design standards for commercial development shall: *unaltered*

text omitted for brevity

Objective 1.4 Rural Tier

13. **REVISED Policy 1.4-f:** Uses such as convenience stores, service stations and car washes shall only be located at intersections containing ~~at least~~ one collector and ~~an~~ one arterial roadway, or two arterial roadways, as listed in the Florida Department of Transportation Palm Beach County Federal Functional Classification Table. Developments which permit the use or sale of petroleum products shall provide evidence during development review that drinking water sources will be protected.
14. **REVISION Policy 1.4-h:** ~~Commercial~~ Non-residential development shall be designed in the form of a Traditional Marketplace, or the development shall comply with rural design standards to ensure protection of the character of the Tier and to minimize impacts on adjacent neighborhoods. Rural design standards for commercial development shall
unaltered text omitted for brevity

Objective 1.6 Glades Tier

15. **REVISION Policy 1.6-a:** The following general future land use designations shall be allowed in the Glades Tier:

1. Rural Residential, limited to Rural Residential 20 and Rural Residential 10;
- 2.4. Agricultural, limited to the Agricultural Production (AP) category;
- 3.2. Conservation categories;
- 4.3. Parks and Recreation;
- 5.4. Commercial Recreation;
- 6.5. Transportation and Utilities; and,

within the general areas of Lake Harbor and Canal Point, which ~~is a~~ are rural towns with both rural and urban land uses, the additional future land use designations of:

- 7.6. Residential categories ranging from Rural Residential 10 ~~(RR10)~~ 2.5 (RR 2.5) to Medium Residential 5 (MR 5);
- 8.7. Commercial, limited to the Commercial Low (CL) categories,
- 9.8. Industrial, limited to the Industrial (IND) category; ~~and~~;
- 10.9. Institutional and Public Facilities; and,

within the Glades Urban Service Area, the future land use designations of the Urban/Suburban Tier shall apply. ~~the additional future land use designations of:~~

- ~~10. Residential categories ranging from Low Residential 1 (LR-1) to High Residential 18 (HR-18);~~
- ~~11. Traditional Town Development;~~
- ~~12. Commercial, including Commercial High (CH) categories;~~
- ~~13. Industrial, including the Economic Development Center; and,~~
- ~~14. Multiple Land Use.~~

16. **REVISION Policy 1.6-d:** By January 2002, the County's Planning Division shall initiate coordination of policy development for ~~a the~~ the Glades Tier, in cooperation with the cities of Belle Glade, South Bay and Pahokee, and other local and regional organizations. The purpose shall be to provide an overall plan for promoting the revitalization of the Glades area. The County shall work with the existing communities to jointly plan for timely and managed growth in order to prevent urban sprawl, protect native vegetation and address the unique character and challenges of the unincorporated Glades area. The Glades Tier development shall also consider revision of the Glades Economic Overlay.

Objection 2.1, Balanced Growth

17. **ADDITION Policy 2.1-c:** The County may grant a development order at entitlement densities as described in Table 2.1-1, if a parcel cannot be developed in accordance with its future land use designation and zoning category because concurrency requirements cannot be satisfied, provided that the levels of service for drainage can be met. The maximum number of units for a project at entitlement density is either the number of units calculated at the entitlement density or one dwelling unit, whichever is greater. *unaltered text omitted for brevity*

18. **TABLE 2.1-2**
Maximum Floor Area Ratios (F.A.R.s) For Non-Residential Future Land Use Categories

Future Land Use	FLU Category	Tier				
		Urban/Suburb	Exurban	Rural	Ag Reserve	Glades
<u>Rural Residential</u> ⁶	RR	<u>not allowed</u>	.15	.15	<u>not allowed</u>	.15
Agriculture	AP	not allowed	not allowed	not allowed	not allowed	.10
	SA	.15	.15	.15	.15	.15
	AgR	not allowed	not allowed	not allowed	.10 outside CCSO	not allowed
Commercial Low (Neighborhood Commercial)	CL-O	.35 .50 non-retail only	.20	.20	not allowed	.20
	CL	.20 w/o PDD .25 w/ PDD ^{1,4}	.10 ⁴	.10 ⁴	.10 .35 w/ CCSO ⁵	.10
Commercial High (Community or Regional Commercial)	CH-O	.35 w/o PDD .50-.85 w/ PDD ²	not allowed	not allowed	not allowed	not allowed
	CH	.35 w/o PDD .50-.85 w/ PDD ² .85-1.0 ³	not allowed	not allowed	not allowed	not allowed
Industrial	IND	.45	not allowed	not allowed	.45	.45
	EDC	.45	not allowed	not allowed	not allowed	not allowed
Commercial Recreation		.10-.50	not allowed	.05	not allowed	.05
Parks & Recreation		.10-.45	.10	.10	not allowed	.10
Conservation		.05	.05	.05	not allowed	.05
Institutional & Public Facilities		.1-.45	.20	.10	not allowed	.10
Transportation & Utilities		.10-.45	.10	.05	not allowed	.05
Traditional Town Development		1.0	not	not	not allowed	not allowed

Notes:

1. When a subject tract is contiguous on at least two sides to a residential FLU of HR-8 or greater intensity, the maximum allowable FAR threshold is .25. In all other cases, the maximum FAR is .20.
2. For Commercial High (CH) and Commercial High Office (CH-O), the maximum allowable FAR is .50 for MUPD planned developments and .85 for MXPDP planned developments, as defined in the ULDC.
3. Provided development furthers the objectives and policies of the Comprehensive Plan, an exception to the FAR, up to 1.0 may be permitted to allow for: 1) infill development; 2) mixed-use development; 3) Traditional Neighborhood Development (TND); or 4) Traditional Market Place Development (TMD).
4. Provided development furthers the objectives and policies of the Comprehensive Plan, an exception to the FAR, up to 1.0 may be permitted to allow for 'rural mainstreets'.
5. For Commercial Low, the FAR is .10 except for the CCSO which allows an FAR up to .35.
6. This maximum FAR is limited to parcels utilizing the Rural Services zoning district (RSER).

Objective 2.2, Future Land Use Provisions, General

19. **REVISION Policy 2.2-e:** The County shall encourage the elimination or reduction of existing or previously approved future land uses, and activities, which were lawful before the adoption of the Plan but are prohibited, regulated or restricted under the terms of this Plan. This shall be accomplished by prohibiting enlargement, expansion, or extension of non-conforming future land use activity unless the action decreases the nonconformity. A non-conforming use shall be permitted to enlarge, expand or be rebuilt on one occasion through an administrative variance process provided that the value of the improvement would not exceed ten percent of the original value of the structure and the expansion does not create a non-conforming structure.

2.2.1 Residential

20. **RELOCATION** - The policy language under **Policy 2.2.1-a** regarding population densities in coastal high-hazard areas is being relocated to **Policy 1.2-c**. **Policy 1.2-c** language regarding Table 2.1-1, Residential Categories and Allowed Densities, is being relocated to **Policy 2.2.1-a**. *(This item was revised subsequent to transmittal, prior to adoption)*
21. **REVISION Policy 2.2.1-b:** Areas designated for Residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintained to protect residential areas from adverse impacts of adjacent land uses. Non-residential future land uses shall be permitted only when compatible with residential areas, and when the use furthers the Goals, Objectives, and Policies of the Plan.
22. **REVISION Policy 2.2.1-g:** The Planning, Zoning, and Building Department shall monitor previously committed residential developments in order to:
1. Identify and analyze residential developments and corresponding totals of previously committed dwelling units retained in the unbuilt inventory used to determine infrastructure needs; and,
 2. Recommend the redesignation of those projects which are built out, but which have not fully utilized their inventory of approved units.

Upon direction by a majority vote of the Board of County Commissioners, the Department of Planning, Zoning, and Building shall initiate an amendments to the Future Land Use Atlas to amend the future land use category of any residential development which has substantially developed at a density less than the permitted density of the applicable future land use category to more closely reflect the actual density. A residential development is considered substantially developed when it is built to an extent that the ultimate character and density are established.

2.2.2 Commercial

23. **REVISE/REWRITE Policy 2.2.2-b:** ~~The County shall apply the location criteria described below to determine the appropriate commercial category to which a property may be assigned. These criteria are to be applied to determine which commercial category is appropriate. They are not to be used as a basis for determining if a commercial designation is appropriate.~~

~~A Commercial High (CH) category may be assigned to a given property when both conditions 1) and 2) (below) are present, and when either condition 3) or 4) (below) are present.~~

~~1) The subject site is located within the Urban/Suburban Tier.~~

~~2) The subject site is located directly on one or more roadways classified as an arterial in the adopted Palm Beach County -- Federal Functional Classification Table.~~

~~3) The subject site is located at an intersection, and~~

~~a) is bordered on two or more sides to parcels which possess a CH future land use category (or determined to be such pursuant to these criteria).~~

- ~~_____ b) is bordered on two or more sides to: (1) vacant parcels which possess a residential future land use designation of MR-5 or greater; or (2) built parcels which possess a density of at least 4 units per acre, or greater.~~
- ~~_____ 4) The subject site is not located at an intersection, and~~
- ~~_____ a) is bordered on three or more sides to vacant or built parcels which possess a CH future land use category (or determined to be such pursuant to these criteria).~~
- ~~_____ b) is bordered on three or more sides to: (1) vacant parcels which possess a residential future land use designation of MR-5 or greater; or (2) built parcels which possess a density of at least 4 units per acre, or greater, regardless of their land use designation.~~

~~_____ If commercial is deemed appropriate, and when it is not restricted by the qualifying location statements above, then a given property may be assigned either a CL, CL-O, or a CH-O category designation. When it has been determined that the property meets the criteria for either the CL or CH category, the Board of County Commissioners may designate the property as CL-O or CH-O.~~

In order to be granted a CH category by the BCC, a parcel subject to a proposed Commercial amendment, or with a 'C' designation on the FLUA, must meet the criteria in this policy. These criteria are to be applied to determine if a CH category is appropriate, not to be used as a basis for determining if a commercial designation is appropriate. The subject site must be located within the Urban/Suburban Tier, and directly on a roadway classified as an arterial on the Federal Functional Classification Table, and meet one or more of the following:

- 1) be contiguous on two or more sides (intersection property), or three or more sides (non-intersection property), to:
 - a) parcels which possess a CH future land use category (or determined to be such pursuant to these criteria); or
 - b) parcels with a residential future land use category of MR-5, or greater, which are: (1) vacant; and/or (2) built at a density of at least 4 units per acre, or greater; or
 - c) parcels which meet any combination of items a) or b) above.
- 2) have an underlying Industrial or HR-8 future land use category.

A subject site which meets the CH criteria may be designated as either CH-O, CL, or CL-O by the BCC. Subject sites which do not meet the CH criteria may also be assigned either a CH-O, CL, or a CL-O category.

2.2.7 Conservation

24. REVISION Policy 2.2.7-a: The County shall apply the following range of Conservation future land use designation categories at appropriate locations.

- 1) Natural Areas Conservation (CON): The County shall apply a CON category to natural areas for the purpose of conserving or protecting natural resources or environmental quality. These areas may be used for wildlife management, passive recreation, and environmental restoration/preservation. The County shall designate ~~as Conservation~~ those lands which contain natural resources that are to be protected, restored, enhanced, and managed, as appropriate, to sustain viable ecosystems and wildlife habitat and natural resources. These natural areas may include site improvements to support uses which are deemed appropriate and consistent with the function of the designated area.
- 2) ~~Policy 2.2.7-c:~~ Water Resource Area (WRA): The County shall apply a Conservation Water Resource Area WRA category to areas being used for regional/local water management purposes. Such purposes include but are not

limited to: water supply development, flood protection, stormwater attenuation, seepage management, wetland enhancement and mitigation, water quality treatment (either passive or alternative technologies as provided in Chapter 373, F.S.), and recharge areas. These areas may include site improvements to support uses as deemed appropriate and consistent with the function of the designated area.

25. **RENUMBERING Policy 2.2.7-dc:** The County may designate privately held lands, that have a Conservation future land use designation, as sending areas for the transfer of development rights, consistent with the requirements of the Transfer of Development Rights (TDR) Program described in Future Land Use Objective 2.6. The sending rate shall be one dwelling unit per 10 acres.
26. **RENUMBERING Policy 2.2.7-ed:** Conservation uses shall be permitted and encouraged in all future land use designations.

2.2.9 Transportation and Utilities

27. **REVISION Policy 2.2.9-d:** Transportation and Utilities uses shall be permitted in all future land use designations. ~~Policy 2.2.9-e: The County shall allow utilities in all future land use designations~~ subject to special siting criteria ~~which is incorporated into~~ set forth in the Unified Land Development Code. The placement of utility uses in residentially designated areas shall be controlled through the ULDC to ensure the protection of existing and anticipated residential areas from adverse impacts of the facility.

Objective 2.3, Mining and Excavation

28. **REVISION Policy 2.3-b:** The County shall continue to prohibit mining and excavation in the Pleistocene Sand Ridge ~~and the Conservation future land use designation.~~
29. **REVISION Policy 2.3-c:** Mining ~~shall not be allowed~~ is prohibited in the following future land use designations, however excavation may be permitted in conjunction with implementation of a site development plan:
 1. Residential categories, from Rural Residential 5 to High Residential 18;
 2. Agricultural Reserve;
 3. Parks and Recreation;
 4. Institutional and Public Facilities;
 5. Conservation categories;
 - ~~5-6.~~ Transportation and Utilities;
 - ~~6-7.~~ Traditional Town Developments; and,
 - ~~7-8.~~ Multiple Land Use.
30. **REVISION Policy 2.3-d:** Mining and excavation may be permitted in the following future land use designations subject to the Mining and Excavation regulations of the ULDC:
 1. Rural Residential, limited to Rural Residential 10 and Rural Residential (20);
 - ~~1-2.~~ Commercial categories;
 - ~~2-3.~~ Commercial Recreation;
 - ~~3-4.~~ Industrial categories; and,
 - ~~4-5.~~ Agricultural: Special Agriculture; and
 - ~~6.~~ Agricultural Production sub-categories;
31. **REVISION Policy 2.3-e:** Mining and excavation activities, as applicable, shall be restricted as follows:
 1. Within the Residential future land use designations, excavation may be permitted for the development of fill for use on-site or to support the drainage system of the development, provided that only a minimal amount of fill is distributed off-site;
 2. Within RR-10 and RR-20, mining is permitted subject to compatibility with adjacent existing land uses. Compatibility, as used here, shall include, but not be limited to, any negative impacts to surrounding land uses with regards to density, intensity, function, air quality, water quality, noise, traffic, aesthetics, vibrations, smoke, odors, radiation, or any other land use conditions.
 - ~~3-2.~~ Within the Agricultural Production Future Land Use designation, mining may be permitted only to support public roadway projects or agricultural activities;

- ~~4.3.~~ Within areas zoned Agricultural Residential, excavation may be permitted only for the ~~development~~ extraction of fill for use on-site;
- ~~5.4.~~ Within areas zoned Special Agriculture, mining may be allowed to remove excavatable material for use as fill off-site.

Objective 2.5 Greenways and the Linked Open Space Program (GLOSP)

- 32. **Policy 2.5-e:** The County shall pursue grant funds to acquire, design or retrofit the linked open space ~~link~~/ greenway system. The County shall continue to implement the strategies contained within the Comprehensive Plan to achieve a Greenways and Linked Open Space system and identify possible funding sources for land acquisition to link conservation areas, and to encourage the creation of environmental systems, and recreational areas.
- 33. & 34. *Omitted at the BCC Transmittal Hearing*

Objective 3.1, Service Areas, General

35. **TABLE 3.1-1**
Service Provision by Service Area

Service/ Facility	Unit of Measure	Rural Service Area	Limited Urban Service Area	Urban Service Area
...		
Parks	Acres per Capita	<p>Countywide Regional, Beach, and District Parks</p> <p>A countywide LOS is used. Distances from a parks to residences will vary, reflecting based on the density and distribution of population and lower densities outside of the Urban/Suburban Tier. Additionally, within the Urban/Suburban Tier, some local parks may be provided.</p>		
...		

Objective 3.4, Rural Service Area

- 36. **Policy 3.4-c:** The County shall neither provide, nor subsidize the provision of centralized potable water or sanitary sewer in the Rural Service Area, unless urban levels of service are required to correct an existing problem, prevent a projected, public health hazard or prevent significant environmental degradation, or the areas meet the criteria described in Future Land Use Policy 3.4-b.

Objective 4.3, Community Design

- 37. **REVISION Policy 4.3-h:** The County shall encourage the use of innovative site design techniques which are visually attractive, ~~but which also will~~ and help to reduce the potential for crime.
- 38. **REVISION Implementation Section, Residential, Density**

Entitlement density. Within the time frame provided by 163.3202(1),F.S., Palm Beach County will ensure that development orders for residential, commercial and industrial development will be based on the County's ability to maintain minimum levels of service as provided by the Concurrency Management System ~~Program~~ contained in the Capital Improvement Element.
- 39. **REVISION, Implementation Section, Transportation And Utilities Facilities (U/T)**

Transportation Uses. Transportation uses includes ~~a full range of transportation uses such as~~ streets and other transportation corridors, ~~major transportation facilities such as~~ expressways, interchanges, public and private airports and landing strips, ports, and railroad facilities. Airports and related facilities include, but are not limited to, airport and aircraft operations and maintenance facilities, cargo distribution terminals, car rental operations, warehouses, hotels, and offices.

40. REVISION, Implementation Section, Sugar Cane Growers Cooperative of Florida Protection Overlay

Unaltered text omitted for brevity.

Should production and processing at the Sugar Cane Growers Cooperative of Florida be discontinued, this Overlay and Sub-objective 1.6.2 of the Future Land Use Element will be revisited, ~~as well as every five years~~ and will also be reviewed as part of the Evaluation and Appraisal Report (EAR) process for the Comprehensive Plan.

41. REVISION, Implementation Section, Other Mixed-use Development Types, Planned Development District - General

A Planned Development District is entitled to approval at the maximum density if such approval meets all required level of service standards and is consistent with the Unified Land Development Code requirements for Planned Development Districts. Prior to a ~~PUD~~ PDD being approved, the County shall initiate a review to ensure that the proposed ~~PUD~~ PDD is reasonably compact and non-serpentine in form; ~~and~~ does not create isolated pockets which are not able to be functionally tied to the ~~PUD~~ PDD with respect to roadways, pedestrian pathways, bike paths, or architectural treatments; ~~nor which may and does not~~ result in the creation of incompatible uses being approved for these residual parcels.

42. REVISION Implementation Section, Traditional Town Development

It is the purpose of the Traditional Town Development (TTD) ~~future Land Use Category designation~~ to encourage mixed-use, compact development which is sensitive to environmental characteristics of the land, and which facilitates efficient use of services within the County. The TTD provides an opportunity for diversification and integration of land uses including residential, retail, office, recreation, etc., within close proximity to each other, providing for the daily recreation and shopping needs of the residents. It is not the intent of a TTD land use approval to encourage an increase in densities or intensities of development in the areas adjacent to the TTD. While a mixture of uses is required, the TTD shall be a residentially-based development.

43. REVISION Implementation Section, Traditional Town Development

Traditional Town Characteristics. The Traditional Town Development (TTD) future land use designation shall provide for community planning which is guided by sensible and desirable attributes of a "traditional neighborhoods." Traditional Town Developments share the following characteristics: They shall:

- 1.-2. *unaltered text omitted for brevity*
3. have a hierarchy of streets to serve the needs of the pedestrian and the motorist;
- 4.-17. *unaltered text omitted for brevity*
18. be designed to provide for well defined public spaces, buildings, and vistas which terminate on focal points. Usable public open green space shall comprise a minimum of five (5) percent of the developable area. Linkages between open spaces, in the form of pedestrian and bike paths, shall be provided for within and without outside the development;
- 19.-22. *and last paragraph under this heading are unaltered and omitted for brevity*

44. REVISION Implementation Section, Traditional Town Development

Land Use Amendment Process. Use of the TTD permits the property to be developed with a larger percentage of commercial and mixture of uses than multiple use developments allowed under the Planned Development regulations. The TTD shall be permitted as a Land Use designation in the Urban/Suburban Tier.

1. A TTD outside the Urban/Suburban Tier shall require a ~~A land use amendment and an amendment to extend the Urban/Suburban Tier, or designate an area as Urban/Suburban Tier, shall be required for any development which is outside of the Urban Service Area.~~
2. *unaltered text omitted for brevity*

In addition to revocation of the TTD, other possible actions by the BCC, ~~after reviewing the development~~ include, but are not limited to: 1) an amendment to another future land use designation or additions or modifications to conditions of approval for the TTD.

45. REVISION, Implementation Section, Westgate/Belvedere Homes Community Redevelopment Area Overlay (WCRAO)

The Westgate/Belvedere Homes Community Redevelopment Plan (hereafter Redevelopment Plan) is intended to geographically represent the desired locations for future land uses as well as the designation of receiving areas for the commercial and residential bonus provisions of the Overlay. The Redevelopment Plan will also consist of a program to rectify the severe infrastructure problems in the area. The ~~Palm Beach County staff and the Board of County Commissioners~~ shall use the Redevelopment Plan in making recommendations and decisions on land use matters including zoning petitions, land use amendments, bonus criteria, text changes to the ~~Palm Beach County Land Development Regulations~~ Unified Land Development Code and other implementing measures. The Redevelopment Plan may be amended from time to time using the procedures for adoption as included in Chapter 163 F.S. *unaltered text omitted for brevity*

46. REVISION, Implementation Section, Greenways And Linked Open Space Program

~~Four~~ Three types of open space links or greenways are included in the Greenways and Linked Open Space Program. These are: "Ecological/Conservation Greenways" or "Wildlife Corridors", which connect conservation areas to allow animal migration (and primitive hiking where feasible); "Small Ecological Greenways" which allow connection of upland areas to preserve high quality native vegetation within urban areas; "Passive Recreational Greenways" which connect residential areas to parks, beaches, urban preserves and other open space features and which may use drainage canal maintenance areas and/or right-of-way, and to connect residential areas with parks and conservation areas; and, "Passive Recreational Greenways" which use road rights-of-way for these connections to connect residential areas to parks, beaches, urban preserves and other open space features.

"Linked Open Space" is not a land use designation within the Palm Beach County Comprehensive Plan, but is a program which enables connections consisting of lands designated as "Conservation", "Agricultural Production" or other land categories between lands identified as "Conservation," "Parks and Recreation," and "Residential." The Greenways and Linked Open Space Program includes areas within both incorporated and unincorporated Palm Beach County, and is depicted on the map included within the Map Series, entitled "Greenways and Linked Open Space Program".

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on September 18, 2006.
DATED at West Palm Beach, FL on 11/5/06.
DOROTHY H. WILKEN, Clerk
By: Nancy Brown D.C.